

### **REMARKS**

The Office Action dated December 15, 2006 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

The Applicants wish to thank the Examiner for indicating allowable subject matter in claims 28-38, 40-46, 48, and 55. Claims 47 and 49-54 stand rejected.

Claims 28-38 and 40-55 are pending and under consideration.

On page 2 of the Office Action, it is submitted that the term “configured to” in claims 47 and 50-54 is broad language. Accordingly, the Office Action concludes, without offering any support, that the recitations following “configured to” are not to be considered by the Examiner. Applicants respectfully traverse such submission and conclusion made in the Office Action.

According to MPEP 2106 and MPEP 2111.04, language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. Some of claim features that may raise a question as to the limiting effect of the scope of the claims may include “adapted to” clauses, “adapted for” clauses, “wherein” clauses, and “whereby” clauses. Nevertheless, the courts have held that even if such clauses are included in the claims, if such clauses state a condition that is material to patentability, then the recitations following these clauses cannot be ignored.

The term “configured to” recited in claims 47 and 50-54 does not suggest or make optional the recitations following this term. The recitations following “configured to” clearly define the structural features included in a network communications system. For instance, the recitations in claims 47 and 50-54 clearly define structural features by providing, for instance, wherein said terminal node is configured to derive...; said terminal node is configured to base said selecting on said known network address...; said terminal node is configured to first retrieve..., second retrieve..., and determine...; said terminal node is configured to inform... Accordingly, Applicants respectfully submit that, contrary to the self-serving conclusive contentions made in the Office Action, a person of ordinary skill in the art, in light of current U.S. Patent rules and procedures, would clearly appreciate that the term “configure to” clearly defines each structural feature included in the network communications system.

Accordingly, it is respectfully requested that the features being recited after the term “configured to” be appropriately considered.

On page 2 of the Office Action, claims 47 and 49-54 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0085719 to Crosbie (“Crosbie”). The Office Action took the position that paragraphs [0041]-[0049] and FIG. 2 of Crosbie describe the recitations of independent claims 47 and 49-54. Applicants respectfully traverse such contentions.

For at least the reasons previously set forth, because the features recited after the term “configured to” in independent claims 47 and 49-54 must be appropriately

considered, independent claims 47 and 49-54 recite features that have been acknowledged by the Notice of Allowance dated August 10, 2006 to be patentable subject matter. For instance, although of different scope, independent claims 47 and 49-54 recite at least one feature that has been determined to be allowable as recited, at least, in allowed claims 28-38. Accordingly, it is respectfully requested that the prior art rejection be withdrawn.

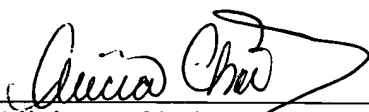
In view of the above, Applicants respectfully submit that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore respectfully request that each of claims 47 and 49-54 be found allowable and, along with allowed claims 28-38, 40-46, 48, and 55, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
Alicia M. Choi  
Registration No. 46,621

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

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